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In re Application of	:	
SATO, Noriyuki et al.	:	
Application No.: 10/529,000	:	DECISION ON
PCT No.: PCT/JP03/12037	:	
Int. Filing Date: 19 September 2003	:	PETITION
Priority Date: 27 September 2002	:	
Docket No.: 0020-5360PUS1	:	UNDER 37 CFR 1.181
For: TUMOR ANTIGEN PROTEIN AND	:	
UTILIZATION THEREOF	:	

This decision is in response to applicant's "Response to Notification of Defective Response," filed in the above-captioned application on 06 February 2007. It has been treated as petition under 37 CFR 1.181.

BACKGROUND

On 19 September 2003, applicants filed international application no. PCT/JP03/12037, claiming a priority date of 27 September 2002. A copy of the international application was transmitted to the Office on 08 April 2004. The thirty month deadline for payment of the basic national fee in the United States was midnight, 27 March 2005.

On 24 March 2005, applicants submitted a transmittal letter for entry into that national phase in the United States accompanied by the basic national fee.

On 01 December 2005, the Office mailed Notification to Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that a sequence listing in computer readable form was required.

On 01 February 2006, applicants filed a sequence listing, a preliminary amendment and a floppy diskette.

On 22 January 2007, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that applicant had not furnished a sequence listing in computer readable format.

On 06 February 2007, applicants filed a petition under 37 CFR 1.181, accompanied by a postcard receipt.

DISCUSSION

A petition under 37 CFR 1.181 requires proof that an item was earlier filed with the Office, a copy of the item applicant claims was earlier filed with the Office and a statement from applicant that the item is a copy of the earlier filed item.

In this instance, applicant has filed a copy of a postcard receipt indicating that a CRF disk for this application was filed with the Office on 01 February 2006 and applicant states that a paper copy and a CRF of the sequence listing were submitted on that day. The postcard is stamped by the Office with "01 February 2006". However, applicant has not furnished a copy of the 01 February 2006 submission and the Office does not have the CRF. A copy of the CRF that applicants claim was submitted on 01 February 2006 and a statement that the CRF is identical to the paper version are required.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 22 January 2007 is **VACATED**.

A copy of the CRF that applicant claims was submitted on 01 February 2006 and the statement that the CRF is identical to the paper copy is required within **TWO (2) MONTHS** of the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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